

U.S. District Court

United States District Court for the Western District of Washington (Tacoma)

CIVIL DOCKET FOR CASE #: 3:09-cv-05021-RHW

Okano v. Trex Company Inc
Assigned to: Robert H Whaley
Cause: 15:2301 Magnuson-Moss Warranty Act

Date Filed: 01/13/2009
Date Terminated: 04/14/2009
Jury Demand: Both
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Mark Okano

*individually and on behalf of all others
similarly situated*

represented by **Robert F Lopez**
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V.

Defendant

Trex Company Inc

a Delaware corporation

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V.

Interested Party

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Interested Party

Bradley S Hureth

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Kim D Stephens
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Date Filed	#	Docket Text
01/13/2009	<u>1</u>	CLASS ACTION COMPLAINT for violations of the Magnuson–Moss Warranty Act against defendant Trex Company Inc (Summons issued 1/13/2009 in Seattle) Receipt # SEA23177), filed by Mark Okano. (Attachments: # <u>1</u> Civil Cover Sheet) (Case assigned/scanned with Seattle # C09–51CMP – changed to Tacoma case # C09–5021FDB. (PL) (Entered: 01/26/2009)
01/16/2009	<u>5</u>	PRAECIPE TO ISSUE SUMMONS by Plaintiff Mark Okano. (issued & returned)(CMG) (Entered: 01/28/2009)
01/26/2009	<u>2</u>	ORDER REASSIGNING CASE ON RECUSAL. Case randomly reassigned to Judge Benjamin H Settle for all further proceedings. All future documents filed in this case shall bear the modified cause number C09–5021BHS. Judge Franklin D. Burgess no longer assigned to case. s/Pat LeFrois as directed. (PL) (Entered: 01/26/2009)
01/27/2009	<u>3</u>	MINUTE ORDER REGARDING DISCOVERY AND DEPOSITIONS by Judge Benjamin H Settle. (TG) (Entered: 01/27/2009)
01/27/2009	<u>4</u>	MINUTE ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT by Judge Benjamin H Settle: Joint Status Report due by 5/27/2009; FRCP 26f Conference Deadline is 5/6/2009; Initial Disclosure Deadline is 5/20/2009. (TG) (Entered: 01/27/2009)
02/03/2009	<u>7</u>	SERVICE OF SUMMONS and Complaint returned executed upon defendant Trex Company Inc on 1/21/2009 (CMG) (Entered: 02/06/2009)
02/04/2009	<u>6</u>	NOTICE of Appearance by attorney Todd L Nunn on behalf of Defendant Trex Company Inc. (Nunn, Todd) (Entered: 02/04/2009)
02/10/2009	<u>8</u>	Stipulated MOTION <i>and Proposed Order Extending Time to Answer Complaint</i> by Defendant Trex Company Inc. Noting Date 2/10/2009, (Nunn, Todd) (Entered: 02/10/2009)
02/18/2009	<u>9</u>	DESIGNATION/ORDER REASSIGNING CASE. Case is reassigned to the Honorable Robert H Whaley, United States Chief District Judge for the Eastern District of Washington, to perform the duties of United States District Judge temporarily for the Western District of Washington for this specific case. Judge Benjamin H Settle is no longer assigned to this case. Authorized by Chief Judge Alex Kozinski. (MGC) (Entered: 02/18/2009)
02/25/2009	<u>10</u>	ORDER granting <u>8</u> Stipulated Motion for extension of time to answer complaint on or before February 25, 2009, by Robert H Whaley.(MD) (Entered: 02/25/2009)
02/25/2009	<u>11</u>	ANSWER to <u>1</u> Complaint, with JURY DEMAND by Trex Company Inc.(Nunn, Todd) (Entered: 02/25/2009)
03/06/2009	<u>12</u>	MINUTE ORDER – NOTICE SETTING COURT'S SCHEDULING CONFERENCE re: Telephone Conference set for 6/10/2009 at 09:30 AM before Robert H Whaley, by Robert H Whaley. (MD) (Entered: 03/09/2009)
03/13/2009	<u>13</u>	MOTION to Stay <i>Proceedings</i> by Defendant Trex Company Inc. Oral Argument Requested. (Attachments: # <u>1</u> Proposed Order) Noting Date 4/3/2009, (Nunn, Todd) (Entered: 03/13/2009)

03/13/2009	<u>¶ 14</u>	DECLARATION of Patrick J. Perrone filed by Defendant Trex Company Inc re <u>13</u> MOTION to Stay <i>Proceedings</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Nunn, Todd) (Entered: 03/13/2009)
03/17/2009	<u>¶ 15</u>	NOTICE of Special Appearance by Ross Plaintiffs for the Limited Purpose of Joining in Trex Company's re <u>13</u> MOTION to Stay <i>Proceedings</i> (Stephens, Kim) (Entered: 03/17/2009)
03/17/2009	<u>¶ 16</u>	DECLARATION of Jonathan D. Selbin filed by Interested Party Eric Ross re <u>13</u> MOTION to Stay <i>Proceedings</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Stephens, Kim) (Entered: 03/17/2009)
03/18/2009	<u>¶</u>	Party Bradley S Hureth added per <u>15</u> Notice of Special Appearance. (KN) (Entered: 03/18/2009)
03/18/2009	<u>¶</u>	Attorney Kim D Stephens for Eric Ross and Bradley S Hureth, Mary B Reiten for Eric Ross and Bradley S Hureth added per <u>15</u> Notice of Special Appearance. (KN) (Entered: 03/18/2009)
03/30/2009	<u>¶ 17</u>	RESPONSE, by Plaintiff Mark Okano, to <u>13</u> MOTION to Stay <i>Proceedings</i> . Oral Argument Requested. (Berman, Steve) (Entered: 03/30/2009)
03/30/2009	<u>¶ 18</u>	DECLARATION of Declaration of Steve W. Berman in Opposition to Defendant's Motion to Stay Proceedings filed by Plaintiff Mark Okano re <u>13</u> MOTION to Stay <i>Proceedings</i> (Berman, Steve) (Entered: 03/30/2009)
03/30/2009	<u>¶ 19</u>	DECLARATION of Robert F. Lopez in Opposition to Defendant's Motion to Stay Proceedings filed by Plaintiff Mark Okano re <u>13</u> MOTION to Stay <i>Proceedings</i> (Berman, Steve) (Entered: 03/30/2009)
04/03/2009	<u>¶ 20</u>	REPLY, filed by Interested Parties Eric Ross, Bradley S Hureth, TO RESPONSE to <u>13</u> MOTION to Stay <i>Proceedings</i> (Reiten, Mary) (Entered: 04/03/2009)
04/03/2009	<u>¶ 21</u>	DECLARATION of Elizabeth A. Alexander filed by Interested Parties Eric Ross, Bradley S Hureth re <u>13</u> MOTION to Stay <i>Proceedings</i> (Reiten, Mary) (Entered: 04/03/2009)
04/03/2009	<u>¶ 22</u>	REPLY, filed by Defendant Trex Company Inc, TO RESPONSE to <u>13</u> MOTION to Stay <i>Proceedings</i> (Nunn, Todd) (Entered: 04/03/2009)
04/03/2009	<u>¶ 23</u>	DECLARATION of Patrick J. Perrone filed by Defendant Trex Company Inc re <u>13</u> MOTION to Stay <i>Proceedings</i> (Nunn, Todd) (Entered: 04/03/2009)
04/07/2009	<u>¶ 24</u>	ORDER Setting Hearing on Motion <u>13</u> MOTION to Stay <i>Proceedings</i> : Motion Hearing set for 4/13/2009 at 09:00 AM before Robert H Whaley, IN SEATTLE, WASHINGTON, by Robert H Whaley. (MD, copy of order to Peter, Sharon) (Entered: 04/07/2009)
04/08/2009	<u>¶ 25</u>	MINUTE ORDER –Oral Argument previously scheduled for Monday, April 13, 2009, at 9:00am, will be held in Courtroom 17, U.S. Courthouse, Seattle, WA by Clerk Bruce Rifkin. (PV) (Entered: 04/08/2009)
04/09/2009	<u>¶ 26</u>	APPLICATION OF ATTORNEY Jonathan D. Selbin FOR LEAVE TO APPEAR PRO HAC VICE for Interested Parties Eric Ross, Bradley S Hureth (Fee Paid) Receipt No. 09810000000001720106. (Attachments: # <u>1</u> Attorney Registration Form)(Stephens, Kim) (Entered: 04/09/2009)

04/09/2009	<u>¶ 27</u>	ORDER on the <u>26</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Jonathan D Selbin for Eric Ross and Bradley S Hureth, by Bruce Rifkin. (No document associated with this docket entry, text only.)(JLP) (Entered: 04/09/2009)
04/10/2009	<u>¶ 28</u>	RESPONSE by Plaintiff Mark Okano re <u>15</u> Notice--Other <i>Plaintiffs'</i> <i>Memorandum in Further Opposition to the Ross Plaintiffs' "Special Appearance"</i> . (Berman, Steve) (Entered: 04/10/2009)
04/13/2009	<u>¶ 29</u>	MINUTE ENTRY for proceedings held before Robert H Whaley-- Dep Clerk: <i>phv</i> ; Pla Counsel: <i>Rob Lopez</i> ; Def Counsel: <i>Todd Nunn, Kim Stephans, Jonathan Selbin</i> ; CR: <i>Barry Fanning</i> ; Time of Hearing: <i>9:00am</i> ; Courtroom: <i>17A</i> ; Motion Hearing held on 4/13/2009 re <u>13</u> MOTION to Stay <i>Proceedings</i> filed by Trex Company Inc. Court has reviewed all material associated with this matter. Court solicits argument on subject matter --- hears Mr Nunn in support of transfer to N.D. California. Mr Lopez reviews history of case filings and suggests consolidation in this district. Mr Lopez argues for denial of pending motion. Court orders case transferred for consolidation to the N.D. California. (Written order to be filed) (PV) (Entered: 04/13/2009)
04/14/2009	<u>¶ 30</u>	ORDER OF TRANSFER TO Northern District of CA for consolidation w/Ross v. Trex CO., Inc. Case No. Cv-09-670. Defendant's Motion to Stay Proceedings is DENIED re 29 Motion Hearing; by Robert H Whaley. (MD) (Entered: 04/14/2009)